



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 8

In re Application of
Chun Yuen To
Application No. 09/725,788
Filed: November 29, 2000
Attorney Docket No. WWSM2473

: DECISION ON PETITION
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This is a decision on the petition filed by facsimile transmission on November 7, 2002 by which petitioners request an extension of time pursuant to 37 CFR 1.136(b). No fee is required for the petition.

The petition is granted.

A review of the record shows that the underlying patent for which reissue is sought was stated to be involved in litigation proceedings. Therefore, when a first Office action was promulgated on October 18, 2002, a one month shortened statutory period of time was set and petitioner was informed that, in accordance with MPEP § 1442.01, all extensions of time would have to be obtained pursuant to 37 CFR 1.136(b), and not 37 CFR 1.136(a). See paper No. 6.

Petitioner has now requested a two month extension of time so that the period for filing a reply to paper No. 6 would run through January 18, 2003. The basis for the request is that there is no longer pending litigation with respect to the underlying patent.

Petitioner's request is reasonable, and is, accordingly granted. The period for filing a reply to paper No. 6 will extend three months from the date of paper No. 6, so that a timely reply may be filed on or before January 18, 2003. Moreover, further requests for extension of time may be secured pursuant to 37 CFR 1.136(a). Should the underlying patent again become the subject of pending litigation, petitioner is reminded that there is a duty to so inform the examiner.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102